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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,660	01/15/2004	John G. Fischer	JGF 02775 PTUS	5884

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EXAMINER

AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,660

Applicant(s)

FISCHER, JOHN G.

Examiner

Javid A. Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/5/2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Purdy, patent number US 6,191,799 B1.

Claim 1,

Examiner's interpretation of the claim invention with respect to claim 1: the differences between two or more products, e.g. first data, second data and ..., can be display by graphical objects, e.g. animated contest, an icon, text message, or etc.

Purdy at col. 1, lines 53-55 teaches a method of displaying competitive product performance data, comprising: providing a plurality of animated graphic files; Purdy at col. 2 lines 8-13 teaches associating a plurality of the animated graphic files with numeric ranges (Examiner's interpretation: it's inherent that market trading data contains numeric ranges); Purdy in fig. 3B

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illustrates or at col. 5 lines 16-22 teaches determining a first product value, e.g., starting price of stock 1 from data source 20 representing a first product's performance; determining a second product value, e.g., current price of stock 1 from data source 20 representing a second product's performance; Purdy in fig. 3C illustrates another example of how a plurality of animated objects may be displayed and solving for a contest value by selecting a graphical object for percent changes, e.g. 50A, 50B, 50C, 50D, and 50E (numerical ranges) between the first product value and the second product value, by selecting an; Purdy at col. 7 lines 64-66 teaches selecting an animated graphic file associated with the numeric range which includes the contest value; and, displaying the selected animated contest, see fig. 3C.

Claims 3, and 4

Purdy at col. 3 lines 26-30 teaches information available from an Internet web site (i.e., a server connected to the Internet, which has mass storage facilities for storing hypertext documents and which runs administrative software for handling those hypertext documents).

Claim 5,

Purdy at col. 10 line 35 shows an equation that teaches said claim limitation of a contest value between the first product value (i.e. a current value) to the second product value (i.e. starting value) further comprises dividing the first product value by the second product value.

Claims 6-7,

Purdy at col. 7 lines 36-37 teaches that the maximum percentage change in data is derived from historical performance of the data.

Claim 8,

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Purdy in fig. 3B illustrates the results on a numerical scale and in fig. 3C observes qualitative test results.

Claim 9,

Purdy in fig. 3C illustrates as an animated graphic 50C.

Claims 10-13,

Purdy in fig. 3A and col. 5 lines 28-30 teaches the propeller 30 rotates about its center axis at a rate which is indicative of the percentage change in stock price between the starting price of the stock and the current price of the stock.

Independent claims 11-14 are rejected with the same rational as in claim 1 rejection.

Re. claim 13, on page 7 recites “resolving for a mathematical contest value” Purdy in fig. 3B illustrates an animated object that represents a contest value using a mathematical equation. The claim language of “first product value” is similar to starting price of a stock and claim language “second product value” is similar to the current price of the stock. The percentage changes illustrate the contest value of the two prices. For the above reasons claims 11-12, and 14 are rejected the same rational as the claim 1 rejection.

Conclusion

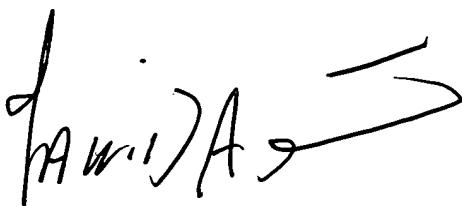
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini
Examiner
Art Unit 2628

J.A.

A handwritten signature in black ink, appearing to read 'Javid Amini', with a stylized flourish extending to the right.